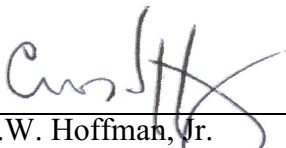


1 manifest injustice would otherwise result. *Cuddy*, 147 F.3d at 1114. A motion for
2 reconsideration is properly denied when the movant fails to establish any reason justifying relief.
3 *Backlund v. Barnhart*, 778 F.2d 1386, 1388 (9th Cir.1985). A motion for reconsideration should
4 not merely present arguments previously raised. It is not a vehicle permitting the unsuccessful
5 party to reiterate arguments previously presented. *See Merozoite v. Thorp*, 52 F.3d 252, 255 (9th
6 Cir.1995); *Khan v. Fasano*, 194 F.Supp.2d 1134, 1136 (S.D.Cal.2001) (“A party cannot have
7 relief under this rule merely because he or she is unhappy with the judgment.”).

8 Plaintiffs’ claim that the motion is clearly erroneous because Defendant did not meet and
9 confer prior to filing its motion (#176) is incorrect. The motion requesting that the Court strike
10 Plaintiff’s proposed expert Suzanne A. Thomas was filed pursuant to Fed. R. Civ. P. 37(c)(1).
11 When there has been a violation of Rule 26(a) or (e) the exclusion penalty is, generally, “self-
12 executing” and “automatic.” *Hoffman v. Constr. Protective Servs.*, 541 F.3d 1175, 1180 (9th Cir.
13 2008). There is no requirement that a party meet and confer prior to bringing a motion for
14 sanctions under Rule 37(c)(1). *Id.* at 1179. To the extent any local rule requires such a
15 conference, the rule is unenforceable. *Id.* Additionally, the argument that Plaintiffs’ late
16 disclosure should have been permitted because Defendants have been permitted to file late
17 briefing on various motions is not well taken. Briefing on motions is not equivalent to failing to
18 make proper disclosures under Rule 26(a). The remainder of Plaintiffs’ contentions center
19 around arguments previously raised. The Court will not grant reconsideration merely because
20 Plaintiff is unhappy with the outcome. Accordingly,

21 **IT IS HEREBY ORDERED** that Plaintiffs’ Motion for Reconsideration (#227) is
22 **denied.**

23 DATED: April 6, 2015.

24
25 
26 C.W. Hoffman, Jr.
27 United States Magistrate Judge
28